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**FEB 10 2004**  
**OFFICE OF PETITIONS**

Applicant: Zettler et al.  
Appl. No.: 09/998,446  
Filing Date: November 30, 2002  
Title: METHOD FOR MEASURING CHARACTERISTICS, ESPECIALLY THE  
TEMPERATURE OF A MULTI-LAYER MATERIAL WHILE THE LAYERS ARE BEING  
BUILT UP  
Attorney Docket No.: 101215-75  
Pub. No.: US 2002/0113971 A1  
Pub. Date: August 22, 2002

This is in response to the request for correction of patent application publication under  
37 CFR 1.221(b), which was filed on October 22, 2003.

The request is DISMISSED.

The instant request is that the application be republished because the patent application  
publication contains a typographical error on the front page of the publication as the Assignee's  
name "LayTec Gesellschaft fur in-situ und nano-Sensorik mbH" is misspelled as "LayTec  
Gesellschaft fur in-situ und nano-Sensork mbH".

37 CFR 1.221(b) is applicable "only when the Office makes a material mistake which is apparent  
from Office records . . . Any request for a corrected publication or revised patent application  
publication other than provided as provided in paragraph (a) of this section must be filed within  
two months from the date of the patent application publication. This period is not extendable."  
**A material mistake must affect the public's ability to appreciate the technical disclosure of  
the patent application publication, to determine the scope of the patent application  
publication, or to determine the scope of the provisional rights that an applicant may seek  
to enforce upon issuance of a patent.<sup>1</sup>**

The request for corrected publication received on October 22, 2003, was not timely filed under  
37 CFR 1.221(b).

If the corrected publication request was timely filed, the error in the Assignee name on the first  
page of the publication would not have been considered a material error, as required by 37 CFR  
1.221(b). The instant request identifies a minor typographical error in the Assignee name wherein  
"Sensorik" is misprinted as "Sensork", which is not a material mistake because the technical  
disclosure and the claims are understandable. The error does not affect the public's ability to  
appreciate the technical disclosure of the patent application publication, or determine the scope of  
the patent application publication or determine the scope of the provisional rights that an applicant  
may seek to enforce upon issuance of a patent.

Applicant's request for a corrected patent application publication on October 22, 2003, may  
constitute a "failure to engage in reasonable efforts to conclude processing or examination of the

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<sup>1</sup>Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept.  
20, 2000), 1239 Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

application.” See 1.704(c). This determination will be made on or after a mailing of a Notice of Allowance.

To avoid this type of problem in the future, applicant’s representative should make request a corrected filing receipt using the facsimile number (703-746-9195) on the Filing Receipt.

Applicant can find assignment information on the USPTO website at:  
<http://assignments.uspto.gov/assignments/q?db=pat>

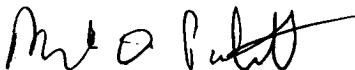
The applicant is advised that a “request for republication of an application previously published” may be filed under 37 CFR 1.221(a). Such a request for republication “must include a copy of the application in compliance with the Office’s electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i).” If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

Any request for republication under 37 CFR 1.221(b), should be submitted via the EFS system and questions or request for reconsideration of this decision, should be addressed as follows:

By mail to:                      Mail Stop PGPUB  
   Commissioner for Patents  
   P.O. Box 1450  
   Alexandria, VA 22313-1450

The application will be examined in due course.

Inquiries relating to this matter may be directed to Mark Polutta at (703) 308-8122 (voice) or (703) 746-3465 (facsimile).



Mark O. Polutta  
Office of Patent Legal Administration  
Office of the Deputy Commissioner  
for Patent Examination Policy

Enclosure:      Corrected Filing Receipt  
                         Copy of Assignment information on the USPTO website.